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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FRIEDHOFER, MICHAEL A

ART UNIT PAPER NUMBER

2832

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/743,559

Applicant(s)

DUFFEK ET AL.

*Sm*

Examiner

Michael A. Friedhofer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 061005 21-04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 7, 8, 10-12, 14-16, 20, 21, 23, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Clapp.

Clapp discloses in figures 1-6 a trigger assembly including a housing 2 having a first surface and a second surface adjacent the first surface, the first surface at least partially defining an opening and the second surface at least partially defining a path 19; and a trigger movably supported by the housing and at least partially engaging the path when moving with respect to the housing. The trigger includes a support portion 15 at least partially extending through the opening into the housing and having a first width; and a contact portion connected to the support portion and disposed outside the housing. The contact portion has a second width greater than the first width. The opening width for the bore 19 has an opening width. The second width is greater than the opening width. The contact portion has a length, where the second width is substantially constant along the length. The operator's finger contacts the contact portion and extends in the substantially same direction as the second width. The contact portion includes a convex curved surface opposite the support portion and curved along

the second width as seen in figure 3. The trigger is movable between a rest position and a depressed position while being biased toward the rest position. The path includes a second opening at the opposite end of the bore through which the trigger at least partially extends.

3. Claims 1-7, 10, 11, 14-20, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al.

Weber et al discloses in figures 1-4 a trigger assembly including a housing 14 having a first surface and a second surface adjacent the first surface, the first surface at least partially defining an opening and the second surface at least partially defining a path; and a trigger 15 movably supported by the housing and at least partially engaging the path when moving with respect to the housing. The trigger includes a support portion 19,17,23 and a contact portion 16 connected to the support portion and disposed outside the housing. The contact portion has a second width greater than the first width. The width of the contact portion is constant along its entire length. The trigger is pivotally supported by the housing. The trigger pivots about a pivot axis, which is substantially parallel to the second width and extends through the housing. The operator's finger contact the contact portion and extends in the substantially same direction as the second width. The trigger is movable between a rest position and a depressed position. The trigger is biased toward the rest position.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 28, 33-36, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Covell et al.

Covell et al discloses in figures 1-9 a trigger assembly including a housing having first and second surfaces adjacent one another, the first surface at least partially defining an opening and the second surface at least partially defining a path; and a trigger 14 movably supported by the housing and at least partially engaging the path when moving with respect to the housing. A space is defined between the trigger and the portion of the housing surrounding the opening. The contact portion 18 of the trigger includes an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. The trigger is pivotally supported by the housing. The trigger is movable between rest and depressed positions while being biased toward the rest position. The path on the housing includes a second opening such that the trigger at least partially extends through the second opening and recess is formed in the path along which the protrusion moves.

***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 13, 22, and 27, 28, 33-36, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covell et al in view of Clapp.

Covell et al discloses in figures 1-9 a trigger assembly including a housing having first and second surfaces adjacent one another, the first surface at least partially defining an opening and the second surface at least partially defining a path; and a trigger 14 movably supported by the housing and at least partially engaging the path when moving with respect to the housing. A space is defined between the trigger and the portion of the housing surrounding the opening. The contact portion 18 of the trigger includes an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. The trigger is pivotally supported by the housing. The trigger is movable between rest and depressed positions while being biased toward the rest position. The path on the housing includes a second opening such that the trigger at least partially extends through the second opening and recess is formed in the path along which the protrusion moves.

Covell et al does not disclose the contact portion 18 having a greater width than that of both the support portion and the opening in the housing.

Clapp discloses in figures 1-6 a trigger assembly including a housing 2 having a first surface and a second surface adjacent the first surface, the first surface at least partially defining an opening and the second surface at least partially defining a path 19; and a trigger movably supported by the housing and at least partially engaging the path when moving with respect to the housing. The trigger includes a support portion 15 at least partially extending through the opening into the housing and having a first width; and a contact portion connected to the support portion and disposed outside the housing. The contact portion has a second width greater than the first width. The opening width for the bore 19 has an opening width. The second width is greater than the opening width. The contact portion has a length, where the second width is substantially constant along the length. The operator's finger contacts the contact portion and extends in the substantially same direction as the second width. The contact portion includes a convex curved surface opposite the support portion and curved along the second width as seen in figure 3. The trigger is movable between a rest position and a depressed position while being biased toward the rest position. The path includes a second opening at the opposite end of the bore through which the trigger at least partially extends.

It would have obvious to one of ordinary skill in the art to apply the teachings of Clapp to Covell et al to form the contact portion having a width greater than both the support portion and the opening in the housing because this is for the purpose of providing a more ergonomic contact portion making operation of the

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tool easier for the operator's finger while the size aids in keeping dust and moisture out of the switch mechanism since most tools are utilized in those types of conditions or create similar environments.


***Allowable Subject Matter***

8. Claim 45 is allowed.
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peot and Broghammer et al teach various trigger switch actuator structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael A. Friedhofer



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Primary Examiner  
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maf